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October 6, 2025

Molly C. Dwyer, Clerk of the Court
United States Court of Appeals for the Ninth Circuit

Re: *United States v. Steven Duarte*, Case No. 22-50048
En Banc Opinion filed on May 9, 2025
Fed. R. App. P. 41(d)(2)(B)(ii) Notice

Dear Ms. Dwyer:

On May 16, 2025, this Court granted appellant Steven Duarte's unopposed motion under Federal Rule of Appellate Procedure 41(d) to stay the mandate pending application for writ of certiorari. *See* Dkt. 127. Consistent with that Rule, this Court stayed the mandate for an initial period of 90 days. *Id.* That stay period was extended to October 6, 2025, by operation of subsection (2)(B)(i) of Rule 41 (d). That subsection automatically extends a stay of the mandate that has been

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granted pending a petition for a writ of certiorari when the Supreme Court extends the time for filing a petition, and the party who obtained the stay notifies the clerk.

See Fed. R. App. P. 41(d)(2)(B)(i); *see also* Dkt. 132, 134.

Under another provision of Rule 41(d)(2), if the petition is filed and the party who obtained the stay notifies the clerk of that filing, “the stay continues until the Supreme Court’s final disposition.” *See* Fed. R. App. P. 41(d)(2)(B)(ii).

Today, October 6, 2025, appellant, by and through co-counsel Erin Murphy of Clement & Murphy, PLLC, timely filed a petition for writ of certiorari. This letter constitutes the required written notification of the filing of the petition.

Accordingly, the stay of the mandate should continue through the Supreme Court’s final disposition of Mr. Duarte’s case.

Sincerely,

/s/ Sonam Henderson

SONAM HENDERSON
Deputy Federal Public Defender